

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
WAS HELD OCTOBER 13, 2005 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T     Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling; Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County Attorney

A B S E N T       None

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**VDOT PROJECT STATUS UPDATE**

David Cabbage, representing the Virginia Department of Transportation, briefed the Board of Supervisors on the status of current and future projects.

**ENVIRONMENTAL SERVICES PRESENTATION**

Anthony I. Hooper, Deputy County Administrator, reviewed proposed contracts for solid waste and recycling hauling services, and the purchase of solid waste and recycling equipment.

**A WORK SESSION TO DISCUSS IMPLEMENTATION OF THE 2004-2005 CHANGES TO THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998**

Ross W. D'Urso, Commissioner of the Revenue, and Elizabeth A. Ledgerton, Treasurer, discussed implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998, the impact of the changes, and the implementation schedule.

**A WORK SESSION TO DISCUSS THE PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO TABLE 1 OF ARTICLE 9 AND SECTIONS 9-701 THROUGH 9-705 TO DELETE CURRENT NOISE STANDARDS AND REPLACE WITH NEW NOISE STANDARDS**

W. Todd Benson, Assistant Zoning Administrator, discussed a proposed text amendment that will delete current noise standards based upon decibel levels, and replace them with new noise standards, principally based upon qualitative standards.

**A WORK SESSION TO DISCUSS AN INCREASE IN THE PURCHASE PRICE OF DEVELOPMENT RIGHTS THROUGH THE PDR PROGRAM**

Ray Pickering, Agricultural Development Officer, discussed a recommendation from the Purchase of Development Rights Committee that the Board of Supervisors approve an increase in the payment per development right in the PDR Program.

**ADOPTION OF THE AGENDA**

Mr. Atherton moved to adopt the agenda, with the following changes. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

- Remove consent agenda item “c”, A Resolution to Amend the Debt Referendum Policy for Fauquier County, and add as regular agenda item #17.
- Remove from regular agenda item #8, A Resolution Concerning Construction Within the Virginia Department of Transportation Right-Of-Way for the Northern Sports Field Complex, and add as consent agenda item “c”.
- Add as regular agenda item #8, A Resolution to Support and Provide Matching Funding for the Rappahannock Rapidan Eldercare Coalition Application for the Robert Wood Johnson Foundation Grant.
- Remove public hearing item #22, Proposed Text Amendments to the Zoning and Subdivision Ordinance regarding Noise Standards, and add as public hearing item #31.
- Renumber agenda items accordingly.

### **CITIZENS’ TIME**

- Robert Gurtler, Scott District, spoke in favor of the proposed boundary line adjustment for the Town of The Plains.

### **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Stribling presented to Tom Marable, President of the Fire and Rescue Association, A Proclamation to Declare the Week of October 9-15, 2005 as Fire Prevention Week.

### **CONSENT AGENDA**

Mr. Atherton moved to adopt the following consent agenda items. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**Approval of the Minutes for the September 8, 2005 Regular Meeting and September 23, 2005 Adjourned Meeting of the Fauquier County Board of Supervisors**

**A Resolution to Approve a Memorandum of Understanding Between the Fauquier County Board of Supervisors and the John Marshall Soil and Water Conservation District**

RESOLUTION

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING  
BETWEEN THE FAUQUIER COUNTY BOARD OF SUPERVISORS AND THE  
JOHN MARSHALL SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, Fauquier County and the John Marshall Soil and Water Conservation District mutually work together in the administration and management of the state mandated Erosion and Sediment Control; and

WHEREAS, the existing Memorandum is outdated and does not reflect State changes to the Erosion and Sediment Control Program, while the proposed agreement fixes those discrepancies and updates responsibilities to reflect current practices and administration; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of October 2005, That the attached Memorandum of Understanding between the Fauquier County Board of Supervisors, the Department of Community Development, and the John Marshall Soil and Water Conservation District, be, and is hereby, approved; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign the Memorandum of Understanding on behalf of Fauquier County.

MEMORANDUM OF UNDERSTANDING BETWEEN THE  
FAUQUIER COUNTY BOARD OF SUPERVISORS AND THE  
JOHN MARSHALL SOIL AND WATER CONSERVATION DISTRICT

This Memorandum of Understanding is made and entered into the \_\_ day of \_\_\_\_, 2005 by and between the Fauquier County Board of Supervisors, the John Marshall Soil and Water Conservation District, and the Fauquier County Department of Community Development.

Whereas, the Fauquier County Board of Supervisors, the John Marshall Soil and Water Conservation District (JMSWCD), and the Fauquier County Department of Community Development recognizing the need for a close working relationship, especially with the Erosion and Sediment (E&S) Program, enter into this memorandum of understanding; and

Whereas, This Memorandum of Understanding supplements the one approved by the Board of Supervisors on April 14, 2005, addressing personnel and financial operations

THE FAUQUIER COUNTY BOARD OF SUPERVISORS AGREES TO:

1. Provide sufficient funding to the John Marshall Soil and Water Conservation District

(JMSWCD), to provide support to Fauquier County's Erosion and Sediment Control Program.

2. The Board of Supervisors recognizes that in order to maintain a high quality level of service and comply with federal, state, and local requirements, sustained increased workload volumes may require, for example, additional funding to cover operating expenses ( i.e. staff, office space, 4-WD vehicles).
3. Update and enforce the E&S Ordinance as required by State mandates.
4. Notify the JMSWCD Board in writing of Fauquier County Board of Supervisors' priority projects to be identified for expedited review.
5. Establish fees to collect revenues to defer approximately 50% of the JMSWCD operating expense of the E&S Program.

THE JOHN MARSHALL SOIL AND WATER CONSERVATION DISTRICT (JMSWCD)  
AGREES TO:

1. Be the Plan Review Agency for E&S plans for Fauquier County, inclusive of The Plains and The Town of Remington, excluding only the Town of Warrenton, upon referral from the Department of Community Development. The JMSWCD will submit comments in writing to Community Development within state established timeframe. Attend and participate in the Technical Review Committee meetings and other meetings (i.e. Planning Coordination) as time allows.
2. Provide state mandated E&S inspections and follow-up correspondence for all permitted projects, including the Rural Single Family Home Program.
3. Review periodic responsible land disturbance (RLD) and National Pollutant Discharge Elimination System (NDPES) monitoring reports submitted by the developer as needed.
4. Work with developers in the field to revise E&S Plans, if necessary, to achieve the appropriate E&S practices for the site. In-field changes can be made through a written request for variance, a plan amendment or an in-field change documented in an E&S inspection report.
5. Forward the files for all completed projects to the Department of Community Development.
6. Keep the Department of Community Development informed of significant problems and the status on all projects, as requested or necessary.
7. Coordinate regular meetings with the Department of Community Development representative and as needed with the Division of Soil and Water Conservation.
8. Investigate E&S and drainage complaints on permitted project sites. Drainage complaints on permitted project sites will be conducted in conjunction with the Department of Community Development.
9. Provide a written quarterly report to the Board of Supervisors and the Department of Community Development with respect to the E&S program.

10. Inform the Department of Community Development and the Board of Supervisors when the E&S Program workload begins to exceed the capacity of the JMSWCD.
11. Report potential site violations of the E&S Ordinance and the Zoning Ordinance to the Department of Community Development.
12. Provide supervision and up-to-date training for their staff to complete E&S Plan review and inspections, including state mandated certifications.
13. Inform applicants desiring ponds that a zoning permit and that a plan and land disturbing permit may be required prior to commencing any work.
14. Provide support to the Department of Community Development for planning, management and conservation of soil and water resources.
15. Inform applicants that a zoning permit is required for animal waste storage facilities, as well as a permit from the Department of Environmental Quality.
16. Provide one copy of the JMSWCD minutes of regular monthly board meetings to the following:
  - a. Each member of the Board of Supervisors
  - b. County Administrator
  - c. Director of Community Development
  - d. County Liaison

THE DEPARTMENT OF COMMUNITY DEVELOPMENT AGREES TO:

1. Be the Plan Approval Authority and forward an E&S Inspection file to the JMSWCD for their use in inspections after the Land Disturbing Permit has been issued. The file will include: A copy of the Land Disturbing Application, the Land Disturbing Permit, and the E&S plan. Upon request from the JMSWCD the Agreement in Lieu of Plan will be provided for Single Family Home Projects.
2. Be responsible for collecting all fees in regards to the Erosion and Sediment Control program.
3. Be responsible for all reductions, releases, and tracking of bonds.
4. Be responsible for issuing all enforcement actions, including formal Notices to Comply, Stop Work Orders, and other enforcement measures for all permitted projects.
5. Provide program support and enforcement for stop inspection orders on rural single family homes.
6. Provide technical assistance to the JMSWCD, when requested.
7. Coordinate regular meetings with the Department of Community Development representative and as needed with the Division of Soil and Water Conservation.
8. Provide a copy of the Fauquier County Ordinances and the Fauquier County Code and updates

free of charge to the John Marshall Soil and Water Conservation District.

9. Be the Stormwater Management Plan Review Agency and Approval Authority.
10. Keep the JMSWCD informed of any in field changes and/or plan modifications made and request input on the changes.
11. Notify JMSWCD of the bond reduction/release requests to ensure that there are no outstanding E&S violations.
12. Investigate complaints on non-permitted sites and assist with drainage complaints on permitted project sites.
13. Provide a 45 day deadline for submission of plan review comments.
14. Provide monthly final occupancy report and an initial footer's report for the rural single family homes. Coordinate other reports as requested.
15. Appoint a liaison to consult with the JMSWCD.

This Memorandum of Understanding and the obligations placed upon the parties to it are subject to the appropriation of sufficient funds to carry out the duties imposed hereunder. Should insufficient funds be appropriated for the purposes intended this memorandum and the duties and obligations contained herein shall be terminated upon the last day for which sufficient funds have been appropriated. Termination by non-appropriation shall not be considered default.

It is further understood that this memorandum can be revisited and updated upon agreement by all undersigned parties.

BOARD OF SUPERVISORS OF FAUQUIER  
COUNTY, a Body Politic

By:\_\_\_\_\_

DEPARTMENT OF COMMUNITY  
DEVELOPMENT OF FAUQUIER COUNTY

By:\_\_\_\_\_

JOHN MARSHALL SOIL & WATER  
CONSERVATION DISTRICT, a Political  
Subdivision of the Commonwealth of Virginia

By:\_\_\_\_\_

**A Resolution Concerning Construction Within the Virginia Department of Transportation (VDOT) Right-Of-Way for the Northern Sports Field Complex**

RESOLUTION

A RESOLUTION CONCERNING CONSTRUCTION WITHIN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RIGHT-OF-WAY FOR THE NORTHERN SPORTS FIELD COMPLEX

WHEREAS, the Northern Sports Field Complex construction requires work within the right-of-way of the Virginia Department of Transportation (VDOT); and

WHEREAS, VDOT requires a financial guarantee in order to permit construction to occur within its right-of-way; and

WHEREAS, VDOT will accept a pledge of the County's financial resources as such guarantee; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of October 2005, That Fauquier County does hereby pledge financial resources in an amount not to exceed \$221,606.81 to guarantee the satisfactory completion of all construction within the VDOT right of way.

**A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider an Amendment to Section 4-1 of the Fauquier County Code, Definitions, to Revise the Definition of a Dangerous Dog**

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO SECTION 4-1 OF THE FAUQUIER COUNTY CODE, DEFINITIONS, TO REVISE THE DEFINITION OF A DANGEROUS DOG

WHEREAS, the Code of Virginia authorizes Fauquier County to adopt an Ordinance which defines a dangerous dog to include a dog which has attacked another dog, subject to certain statutory exemptions; and

WHEREAS, the County Code currently does not include such a provision within the definition of "Dangerous dog;" and

WHEREAS, the proposed amended definition, subject to the statutorily required exemptions, would read as follows:

*Dangerous dog.* The term "dangerous dog" means any canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, ~~other than a dog,~~ or killed a companion animal; however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as

determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite or (ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

; and

WHEREAS, the Board of Supervisors has determined that it would be appropriate to consider public comment regarding whether to adopt such an amended definition of “Dangerous dog”; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of October 2005, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider public comment on the proposed amendment to the definition of “Dangerous dog” in the Fauquier County Code.

**A Resolution Directing the County Administrator to Schedule a Public Hearing on a Proposed Ordinance Establishing a Deadline for Submittal of Landowner Applications for Equalization of Real Estate Assessment to the Fauquier County Board of Equalization and a Deadline for the Board of Equalization to Complete its Deliberations on all Applications**

#### RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE ESTABLISHING A DEADLINE FOR SUBMITTAL OF LANDOWNER APPLICATIONS FOR EQUALIZATION OF REAL ESTATE ASSESSMENT TO THE FAUQUIER COUNTY BOARD OF EQUALIZATION, AND A DEADLINE FOR THE BOARD OF EQUALIZATION TO COMPLETE ITS DELIBERATIONS ON ALL APPLICATIONS

WHEREAS, Fauquier County is currently undergoing a general reassessment of real property within the County, to be effective January 1, 2006; and

WHEREAS, Section 58.1-3370 of the Code of Virginia requires the establishment of a Board of Equalization to receive applications from landowners seeking equalization of their real estate assessments; and

WHEREAS, Section 58.1-3378 of the Code of Virginia provides that the Board of Supervisors may establish a deadline by which applications for equalization of real estate assessment must be filed with the Board of Equalization; and

WHEREAS, Section 58.1-3378 of the Code of Virginia also provides that the Board of Supervisors may establish a deadline for the Board of Equalization to finally dispose of all applications for equalization of real estate assessment; and



WHEREAS, the Board of Supervisors deems it in the best interest of the citizens of the County to schedule a public hearing on a proposed Ordinance to provide a deadline for landowners to submit applications for equalization of real estate assessment to the Fauquier County Board of Equalization and a deadline for the Board of Equalization to complete its deliberations on all applications; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of October 2005, That the County Administrator be, and is hereby, directed to schedule a public hearing on a proposed Ordinance establishing a deadline for landowners to submit applications for equalization of real estate assessment to the Fauquier County Board of Equalization and a deadline for the Board of Equalization to complete its deliberations on all applications.

**A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider an Amendment to the Fauquier County Code to Require Payment of an Annual License Fee of \$50 by Companion Animal Dealers and For-Profit Breeders**

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE FAUQUIER COUNTY CODE TO REQUIRE PAYMENT OF AN ANNUAL LICENSE FEE OF \$50 BY COMPANION ANIMAL DEALERS AND FOR-PROFIT BREEDERS

WHEREAS, in July of 2005, the General Assembly amended the enabling legislation related to animal control to permit the County to license dealers and breeders of companion animals, and to charge a fee of \$50 per year for the license; and

WHEREAS, Fauquier County seeks public input regarding whether it would be appropriate to adopt such an Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of October 2005, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider the Ordinance amendment.

**A Resolution Directing the County Administrator to Schedule a Public Hearing on a Proposed Ordinance Amending Chapter 8, Article X of the Code of Fauquier County to Add Section 8-29.3 et seq.**

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING CHAPTER 8, ARTICLE X OF THE CODE OF FAUQUIER COUNTY TO ADD SECTION 8-29.3 *et seq.*

WHEREAS, the Personal Property Tax Relief Act of 1998, Virginia Code §§ 58.1-3523 *et seq.* ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter

951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, these legislative enactments require the Fauquier County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the Personal Property Tax Relief Act as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County of Fauquier, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (“PPT”) on such vehicles; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of October 2005, That the County Administrator be, and is hereby, directed to schedule a public hearing on a proposed Ordinance amending Chapter 8, Article X of the Code of Fauquier County to add Section 8-29.3 *et seq.* relating to State personal property tax relief.

**A Resolution to Amend the Fauquier County Board of Supervisors’ 2006 Legislative Priorities to Include a Request for a State General Fund Capital Appropriation of \$1.75 Million to Support the Expansion of the Birmingham Green Assisted Living Facility**

RESOLUTION

A RESOLUTION TO AMEND THE BOARD OF SUPERVISORS’ 2006 LEGISLATIVE PRIORITIES TO INCLUDE A REQUEST FOR A STATE GENERAL FUND CAPITAL APPROPRIATION OF \$1.75 MILLION TO SUPPORT THE EXPANSION OF THE BIRMINGHAM GREEN ASSISTED LIVING FACILITY

WHEREAS, Fauquier County has a variety of issues and interests which require legislative action by the Virginia General Assembly; and

WHEREAS, the Fauquier County Board of Supervisors adopted its legislative priorities for 2006 on July 14, 2005; and

WHEREAS, Fauquier County is one of the five local government owners of the Birmingham Green Adult Care Residence; and

WHEREAS, Birmingham Green was originally constructed in 1927, and has been in desperate need of renovation and expansion for a number of years; and

WHEREAS, local funding from the owner jurisdictions is also committed, totaling over \$1 million, and a one-time capital allocation of state general funds was secured during the 2005 General Assembly Session; and

WHEREAS, a \$2 million gap in capital financing for renovation of Birmingham Green was identified at last year’s General Assembly; and

WHEREAS, in order to keep the Federal funding now set aside for this project, the total capital funding package must be secured; and

WHEREAS, submission of a State budget amendment for \$1.75 million in funding is required to completely close the gap and to ensure the expansion of quality Assisted Living Facility beds specifically dedicated to low-income Virginians from the city of Alexandria, and the Counties of Fairfax, Prince William, Loudoun, and Fauquier; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of October 2005, That the 2006 Legislative Priorities be, and are hereby, amended to include a request for a State general fund appropriation of \$1.75 million to support the expansion of Birmingham Green Assisted Living Facility.

**Jackson Chase Subdivision: Preliminary Plat PPLT05-LE-027, Lee District**

No action was taken.

**An Ordinance Adopting the Fauquier County Design Standards Manual as Part of the Fauquier County Code**

ORDINANCE

**AN ORDINANCE ADOPTING THE FAUQUIER COUNTY DESIGN STANDARDS MANUAL AS PART OF THE FAUQUIER COUNTY CODE**

WHEREAS, on July 28, 2005, the Planning Commission held a public hearing on Chapter 1 - General Provisions, Chapter 2 – Drainage, and Chapter 8 – Performance Guarantee of the Design Standards Manual and forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on September 8, 2005, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Fauquier County Code, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of October 2005, That the Fauquier County Code be, and is hereby, amended to add the following text:

**APPENDIX E DESIGN STANDARDS MANUAL\***

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**\*Editor's note:** The County's Design Standards Manual, as adopted on October 13, 2005 and as amended, is referenced as Appendix E; however it is not presently included in the Code. A copy of said Manual may be obtained from Fauquier County's Department of Community Development.

; and, be it

ORDAINED FURTHER, That Chapter 1 - General Provisions, Chapter 2 – Drainage, and Chapter 8 – Performance Guarantee, as presented in the October 13, 2005 Staff Report be, and is hereby, adopted and included as part of Appendix E – Design Standards Manual.

**A RESOLUTION ADOPTING THE TEXT AMENDMENT TO CHAPTER SIX – WARRENTON SERVICE DISTRICT PLAN**

Mr. Robison moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

RESOLUTION

A RESOLUTION ADOPTING THE TEXT AMENDMENT TO  
CHAPTER SIX-WARRENTON SERVICE DISTRICT PLAN

WHEREAS, the Board of Supervisors held two public hearings and on November 17, 2003, adopted the Plan with some revisions that deviated from the Planning Commission and Citizen Planning Advisory Committee drafts; and

WHEREAS, on February 17, 2004, the Fauquier County Board of Supervisors authorized the appointment of the Citizen Planning Committee for the purpose of reviewing the adopted revisions to the Warrenton Service District Plan; and

WHEREAS, in June of 2004, the Citizen Planning Committee reviewed and developed refinements through a series of public meetings, and on March 31, 2005, submitted its unanimously approved revised draft plan to the Planning Commission for consideration; and

WHEREAS, on April 26, 2005, the Planning Commission conducted a public hearing and conducted subsequent work sessions, and on June 30, 2005, forwarded its revised Chapter Six-Warrenton Service District Plan with a unanimous recommendation for Board of Supervisors adoption, as revised; and

WHEREAS, on August 11, 2005, the Board of Supervisors conducted its public hearing; and

WHEREAS, the Board of Supervisors finds that the associated plan text and land use designations for the Moriah Farm (Campus Office and Employment), Central Sports Complex and the Fairgrounds shall remain within and unchanged as identified in the November 19, 2003 adopted Warrenton Service District Plan (Figure 6-WA-2); and

WHEREAS, all associated graphics shall identify those properties still remain with the Service District boundaries; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of October 2005, That the Board does hereby adopt the text amendment to the Warrenton Service District Plan as transmitted by the Planning Commission, as amended by the Board; and

RESOLVED FINALLY, That the following revisions shall be incorporated:

- a. **Figure 10 – WA – 1: Regional Transportation:** Remove the entire orange marked alignment west of Warrenton and connecting Route 211 with Route 17 (e.g., this action includes the Timber Fence Parkway).
- b. **1.c. Transportation (pages 3-5):**

None of these bypasses have resolved the issue of traffic movement from Route 211 to U.S. 15/29 east. Significant growth in nearby Culpeper and Rappahannock Counties is generating increasing levels of through traffic – estimated by the Town’s traffic consultant to reach 13,440 vehicles per day in 2020. These existing and future motorists have no alternative but to travel on an already congested Broadview Avenue – Lee Highway. ~~For the last 15 years, County plans have proposed that Routes 211 and 17 be linked by a minor arterial road. A minor portion of this road has been completed on the alignment proposed in the 1992 Comprehensive Plan. This limited access connector would have an impact on neighborhoods that have developed since the road’s inception and on Fauquier High School. As a result of that impact, the link is shown as a collector road right of way reservation. As~~ a result, alleviation of congestion on existing Route 29/211 (Broadview Avenue) will continue to require careful analysis, inter-jurisdictional cooperation and coordination, face significant funding constraints and require the staging of selected options. The preferred priority is phased construction improvements along Broadview Avenue (e.g., widening, spaced medians and associated turn lanes) with the goal of enhancing traffic flow. It is also recommended that the County and Town create a joint Task Force, composed of elected officials, residents, businesses, to assist the local governments and VDOT in identifying the practical, cost effective and integrated transportation solutions to alleviate this crossroads of growing regional and local traffic.

- c. **8.a. Lee Highway and Broadview Avenue (pages 22-23):**

Given projected traffic increases from Culpeper and Rappahannock Counties on Route 211, the Plan proposes that the design and performance of U.S. Route 15/29 Business, Lee Highway and Broadview Avenue, be significantly upgraded to provide more efficient through traffic flows for vehicles traveling from Culpeper and Rappahannock Counties to Route 15/29, and other destinations east by means of:

- Streaming arterial, collector and local access traffic;
- Improved road and intersectional engineering;
- Median separations and crossovers; and
- Greater inter-parcel-access between commercial developments alongside the arterial road.

To this end, the County will assist the Town of Warrenton in the effort to find funding through the VDOT 6-Year Improvement Program for the restructuring of this important element of U.S. 15/29 (Business). ~~In addition, as represented in Figure 10-WA-1, the plan recognizes the existing right-of-way reservation between Routes 211 and 17.~~

~~For this future collector, both the Town and County need to effectively collaborate with the local and affected neighborhoods in developing a public road design that: (a) safely and compatibly fits the residential neighborhood community environment; (b) allows external roadway linkages; (c) controls vehicular speed with a variety of traffic calming and management techniques (e.g., median and refuge islands, paving treatments, bike path and landscaping treatments); and (d) ensures a safe and walkable community for local residents.~~

**d. 1.c. Water and Sewer Utilities (page 5):**

The Town's wastewater plant has a permitted design capacity of 2.5 million gallons per day. Warrenton is located within two watersheds, the Occoquan and the Rappahannock. Effluent from Town customers located in the Occoquan basin is pumped to the Town's sewer plant on Route 211, where it is treated and discharged into Great Run Creek, a tributary of the Rappahannock River. (Note: the Town's DEQ permitted discharge into the Rappahannock Watershed avoids the more costly capital and treatment costs associated with the Occoquan basin, which is subject to far more restrictive Commonwealth standards.) However, increasingly more stringent wastewater outflow regulations in the Rappahannock basin may require significant and costly engineering upgrades if Warrenton decides to expand its wastewater plant to full capacity.

**e. 1.c. Water and Sewer Utilities (page 6):**

It should be noted that the limited public sewer and water service extension capabilities of the Town, which ~~to~~ serve the unincorporated areas of the Warrenton Service District, are controlled by agreements reached between the Town and County in the summer of 2001. The two jurisdictions defined certain limited areas where Town water and sewer would be provided, and established that such service should not be expected for the remainder of the Service District. Those limited areas are identified within The Town/County Master Water and Sewer Agreement (refer to Figures 6-UT-1 and 6-UT-2). Properties that are not specified within this agreement for sewer service or served within a community sewer system owned, operated and maintained by the Fauquier County Water and Sanitation Authority (WSA), refer to Figure 6-UT-1, are located in the designated Non-Sewered Area of the Warrenton Service District. Furthermore, all future development needing public sewer and water in areas not designated for Town of Warrenton or WSA public utilities would also require a Plan Amendment authorizing service to be provided by the Fauquier County Water and Sanitation Authority or the Town of Warrenton.

**f. 1.f.1.(2). Streams (pages 7-8):**

Greater care and more refined techniques in the future may be needed to restore and preserve keep these watersheds healthy and productive. ~~The Commonwealth of Virginia has provided the local jurisdictions not immediately adjacent to the Chesapeake Bay with an option to adopt the more stringent standards presently operative in Counties contiguous with the Bay. (Chesapeake Bay Preservation Act, Section 10.1-2108.) These additional~~

~~standards include such simple mechanisms as setting development further back from streams and watercourses as well as more sophisticated engineering techniques.~~

g. **2.2 (Vision Statement; page 8):**

The social and commercial heart of the community will remain Main Street. This continued characteristic will be the result of combined and sustained Town and County efforts. ~~Additionally the Town, School Board and County will pursue a consistent policy of co-locating service agencies, from scattered office sites throughout the County, into offices above mid-block structured parking.~~ Complementing this effort to enhance the downtown as a place of work and recreation will be the construction of coordinated radial sidewalks and trails reaching into surrounding residential neighborhoods.

h. **3.b. Land Use Designations (page 12):**

~~Finally, land to southwest of Route 17, now zoned RA, is designated Rural Gateway-Greenway Open Space reflecting community wish to preserve the transition from rural to urban qualities which occur at this road juncture and recognizing that the circumferential park is desirable to cross this tract.~~

**(Note: this designation was removed from the proposed Plan, and this remnant language is from the previously adopted Service District Plan.)**

i. **6. Rappahannock and Occoquan Watershed Protection (pages 17-18):**

~~It appears that existing engineering protocols in the Rappahannock and Occoquan watersheds have been insufficient to prevent erosion and protect water quality. The County has recently adopted a stormwater management ordinance as a tool to assist in the protection of these water resource areas. Another proven aid for achieving water quality protection is the preservation of riparian buffers adjacent to perennial water bodies. The Chesapeake Bay Preservation Act requires Virginia's Tidewater localities, those located closest to the Chesapeake Bay, to adopt riparian provisions by establishing Resource Protection Area buffers adjacent to perennial waters. These buffers are not mandated outside of Tidewater Counties, however section 10.1 2110 of the Chesapeake Bay Preservation Act provides the authority for Virginia localities outside of the Tidewater to incorporate the Act's water quality protection tools into their comprehensive plans and ordinances.~~

~~The Warrenton Service District Plan proposes that the County exercise this option to incorporate the Chesapeake Bay Preservation Act's protection tools in the Rappahannock and Occoquan watersheds.~~

j. **Public Sewer and Water Services:** The Planning Commission has included additional maps in the draft Plan representing in parcel detail where Town of Warrenton or WSA utilities exist or are planned. Graphics which display the availability of public sewer (Figure 6-UT-1) and water (Figure 6-UT-2) services are now included within the Plan. The

areas designated as existing Town Sewer or Water and Authorized Potential Customers are graphically part of a signed agreement between both the Town of Warrenton and the Fauquier County Board of Supervisors. The WSA water supply areas are also similarly marked and have been noted in the Service District Plan. The maps also identify community wastewater treatment facilities that will exclusively serve the Raymond Farm and Warrenton Chase communities and, once permitted, constructed and operational, will be transferred to WSA for its ownership, operation and maintenance.

k. **1.c. Water and Sewer Utilities (page 5):**

While significant progress has been made by the County to protect water supplies in the Frytown neighborhood, this Plan recognizes that a permanent solution requires the opportunity for Frytown residents to gain access to public water supply. Warrenton has advised the County that the Town cannot provide the public water needed. Accordingly, the Plan calls for the installation of Fauquier County Water and Sanitation Authority (WSA) water lines along Frytown Road from Duhollow Road to Old Auburn Road. Future WSA water service to the Moriah Farm, Central Sports Complex and Fauquier County Fair Grounds is planned. It is critical to note that these boundary areas comprise an open space 'hard edge' on this portion of the Service District, beyond which no public water or sewer services are contemplated.

l. **Plan text (3. Land Use Designations; 4<sup>th</sup> paragraph, page 11):**

The southeastern boundary of the service district extends to include the Village of Frytown, as well as the Fauquier County Fair Grounds, and the planned regional park (sports complex). Here it is recommended that identified irrigation needs for the regional park be provided through an onsite well, based upon the required hydrogeological study and testing performance standards, and not through public water supplies. The intervening properties between these facilities and the Village of Frytown are designated for office /employment uses for consistency with the I-1 zoning across on Meetze Road and the adjoining planned park. Regarding the land zoned I-1 on the west side and the designated Campus Office and Employment uses on the east side of Meetze Road at Warrenton's southern entrance, the County will adopt Gateway Architectural Guidelines comparable to those noted in Section 7. Highway Corridor and Gateway Industrial Districts.

m. **Plan text (7. Highway Corridor and Industrial Gateway Overlay Districts, pp. 19-22):**

The County ~~will~~ may prepare Highway Corridor and Gateway Industrial Overlay Districts designed to apply enhanced criteria in the management of highway access, landscape appearance, building design and structures on U.S. 15/17/29 – business and through – and Routes 17, 211, 802 and 643. See Figure 6-WA-3. This Overlay District, while not changing permitted and permissible land uses of a property's basic zoning, will seek to provide guidance to those contemplating non-residential construction along these major roads, and provide oversight of proposed changes within these corridors. Such a district superimposes certain additional design requirements upon the underlying zoning district with the intent of producing harmony through conformity with massing, fenestration and other building features of structures in the Central Piedmont. Where setback and other standards conflict with those of the Corridor Overlay, the ~~latter rules~~ stricter requirements ~~shall~~ would apply. ~~The Plan also recommends that the Architectural Review Board provide assistance in the preparation of this overlay district.~~



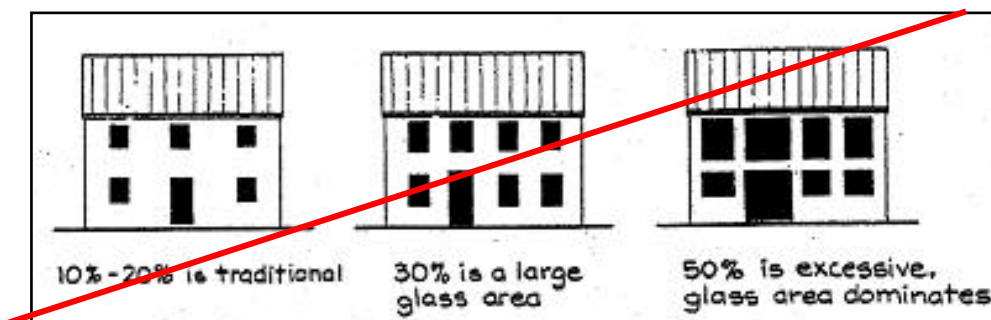
## Design Guidelines

**Overall Intent:** Non-residential construction should exhibit the traditional characteristics of the central Piedmont region. New construction should possess an uncomplicated, straightforward and functional character, reflecting the financial resources, the tools and techniques of a rural Piedmont community working with natural materials.

**Massing:** Massing of buildings should follow historic practice whereby initial structures and those building elements added to them are individually simple rectangular shapes, and one element, such as a barn, dominates the others in overall size and mass.

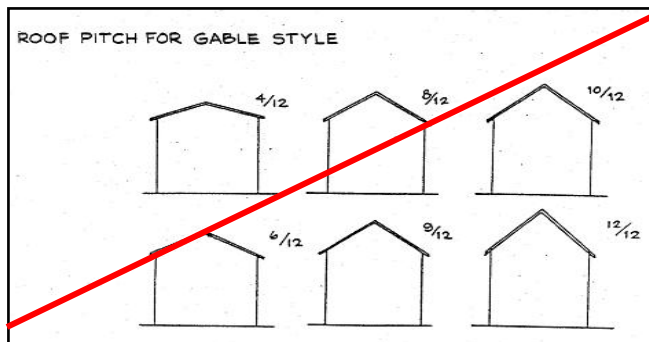
**Building Walls:** Piedmont buildings were traditionally constructed with a single wall material, the most economic at the time. Additions, constructed later, might differ from the parent building due to changes in relative material price, technology and functional necessities. Consequently, wall materials should not be mixed on a single massing element, and construction should avoid using materials or textures for purely decorative reasons. Walls may be of horizontally laid fieldstone, brick, cement parging or stucco, wood or cement board and batten or horizontal siding. Foundations and exterior chimneys, whose fireproofing/waterproofing requirements dictated a different material, may be fieldstone, cement, parging or stucco, or brick.

**Windows and Doors:** Windows should generally be rectangular and designed to have a vertical character. However circular, octagonal and other shapes may be acceptable as special features in gables if these are consistent with the overall design theme and function. Windows may be single or double hung, casement, or fixed, while bay windows may be approved for shop front installation on the ground floor. Doors should also be generally rectangular with a vertical character. Window and door openings should not collectively exceed thirty percent (30%) of a wall's surface area. Windows and glass doors should be of sheet glass, with frames of painted wood/metal, or clad wood. Otherwise doors may be of wood or painted metal.



**Roofs:** Roofs should appear to be simple in form—a gable, hip or gable on hip—and with a significant pitch. Roof design should avoid complex, or singular forms, or add unnecessary details. The roof pitch of principal buildings should be between 6:12 to 12:12 and should be selected to create a visible presence, if subordinate mass, to the body of the building. Ancillary porch and shed roofs with a lowered pitch to 4:12 may lean against a principal building. Roof materials should be natural copper, or site-painted metal of

~~shingle or standing seam fabrication, natural cedar shingles or shakes, and charcoal gray or black asphalt composition shingles. Gutters, if used, should be half round.~~



~~**Accessories and Outbuildings:** Many historic Piedmont structures exhibit subtle decorative touches—such as a well shaped stair newel—and not so discreet accessories—such as a decorated ventilating cupola or weathervane. Functional needs were thereby met with dignity, some beauty and in an economical way. Such structures were not ‘accessorized’ with expensive, unessential and superfluous detail—such as non-operable shutters, or fabric awnings. Decorative accessories should be functional, limited and generally located on the ground floor where these are less visible from the roadway. The massing, materials, colors and design forms of ancillary structures and outbuildings—such as garden pavilions, soft drink kiosks, barbecues and arbors—should conform to those of the principal structure.~~

~~**Alternative and Substitute Materials:** Stone, wood and metal have been the historic building materials of Fauquier County. Evolving technology has placed on the market a variety of new products that are claimed to match the characteristics and, possibly, exceed the longevity of traditional building materials at lower cost. Such products are acceptable if they duplicate the appearance, and graceful aging of traditional materials.~~

~~**Color:** Building wall colors and stains should match those generally neutral and earth tones of traditional farm buildings; fieldstone of various earth hues, white, creosote black, faded reddish brown, or mid green, and a wide variety of grays as seen on wood exposed to the weather. “Too poor to paint, too proud to whitewash.” Trim colors may include those just noted, perhaps in a lighter or darker tone. Small areas of other colors, perhaps a complement color to that of the building façade, may be acceptable for doors, trim, gutters and downspouts. Roofs may be black, dark gray, faded reddish brown, or faded green.~~

~~**Signs:** The design of signs is of great importance. The overall intent of these guidelines is to permit a business to inform a community of its services, but neither up stage the building served, neighboring buildings, nor the surrounding landscape.~~

- ~~i. **Building Sign Location.** A sign should be so placed on a building that it does not obscure any significant architectural details or ornament.~~

- ~~ii. Streetscape Signs. Signs located within the streetscape buffer shall be of ground-mounted monument type and shall not exceed seven (7) feet in height.~~
- ~~iii. Style. Simplicity and inventiveness should be the primary character of a sign. While the lettering should normally be the principal feature of a sign, at times a symbol of the business may be a major communicative element.~~
- ~~iv. Materials. Materials used in both signs and sign supports should be similar to those of the building served. Operable fabric awnings, if employed, should be used primarily to modulate sunlight, but may carry a subdued graphic on the front edge, which edge should be no more than eight (8) inches deep.~~
- ~~v. Lighting. Internally lit signs are not appropriate. Shielded spotlights, generating light of an incandescent character and no glare, may illuminate the signs and must meet the lighting standards contained within the Zoning Ordinance.~~
- ~~vi. Color. Sign colors should be consistent with the color themes established for the complex, and may work best if the lettering and/or symbol were a complementary color to those of the building body and trim. e.g. crimson logo and letters on a greyed-manganese blue structure and blue-green trim.~~

**A RESOLUTION TO SUPPPORT AND PROVIDE MATCHING FUNDS FOR THE SUBMISSION OF AN APPLICATION BY THE RAPPAHANNOCK RAPIDAN ELDERCARE COALITION FOR AN IMPLEMENTAION GRANT TO IMPROVE THE SYSTEM OF LONG TERM CARE FOR THE ELDERLY**

Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO SUPPPORT AND PROVIDE MATCHING FUNDS FOR THE SUBMISSION OF AN APPLICATION BY THE RAPPAHANNOCK RAPIDAN ELDERCARE COALITION FOR AN IMPLEMENTAION GRANT TO IMPROVE THE SYSTEM OF LONG TERM CARE FOR THE ELDERLY**

WHEREAS, Fauquier County supported and supplied matching funds for a successful application to the Robert Wood Johnson Foundation for a Community Partnerships for Older Adults planning grant; and

WHEREAS, the Coalition effort was one of eleven planning projects funded out of over 500 applicants nationwide; and

WHEREAS, the Coalition is applying for funding to facilitate efforts to:

1. Establish volunteer coordination for and by elders in each of the five counties;
2. Increase the capacity of the local long term care workforce;
3. Increase options in adult day care, transportation, affordable housing, in-home support, wellness, access for minority, low income, and other at-risk populations, and explore a PACE service delivery mechanism for rural areas;
4. Improve the dissemination of information to elders and caretakers;
5. Increase the awareness of the community and key decision-makers of the needs of older adults and the available service options; and
6. Assure the on-going vitality and sustainability of the regional and county partnerships.

; and

WHEREAS, the Rappahannock Rapidan Eldercare Coalition is providing an important role in planning for current and future needs of our older adults, and helping to coordinate efforts of local government, service providers, care givers and concerned citizens to address priority needs, now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of October 2005, That the Board does hereby support the application of the Rappahannock Rapidan Eldercare Coalition for a Robert Wood Johnson Foundation Community Partnerships for Older Adults implementation grant; and, be it

RESOLVED FURTHER, That the Board hereby approves the commitment of matching funds of \$15,325 for the first year of implementation of a Robert Wood Johnson Foundation Community Partnerships for Older Adults grant.

**A RESOLUTION AUTHORIZING THE AWARD A CONTRACT FOR SOLID WASTE AND RECYCLING HAULING SERVICES WITH POTOMAC DISPOSAL SERVICES OF VIRGINIA, LLC**

Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

## RESOLUTION

### A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR SOLID WASTE AND RECYCLING HAULING SERVICES WITH POTOMAC DISPOSAL SERVICES OF VIRGINIA, LLC

WHEREAS, on November 15, 2005, the current solid waste and collection hauling contract ends; and

WHEREAS, on August 31, 2005, a Request for Proposals for hauling services and equipment prices was advertised, and in response four firms submitted proposals offering the requested services and equipment; and

WHEREAS, a selection committee composed of County and School staff interviewed all four firms and conducted negotiations with the three top-ranked firms, and based on those negotiations Potomac Disposal Services of Virginia, LLC, was determined to be the most suitable contractor to provide hauling services at a rate of \$200 per roll-off container for solid waste, \$210 per recycling roll-off container for deliveries to the County's selected processor, \$175 per recycling roll-off container to Corral Farm, and \$18.50 per pull for front-loading service; and

WHEREAS, it was determined that Fauquier County benefits financially by purchasing solid waste equipment directly from an equipment distributor; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors on this 13<sup>th</sup> day of October 2005, That the County Administrator be, and is hereby, authorized to execute a contract with Potomac Disposal Services of Virginia, LLC, for hauling services at the above rates.

### **A RESOLUTION TO AWARD A CONTRACT FOR THE PURCHASE OF SOLID WASTE AND RECYCLING EQUIPMENT**

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION TO AWARD A CONTRACT FOR THE PURCHASE OF SOLID WASTE AND RECYCLING EQUIPMENT

WHEREAS, on November 15, 2005, the current solid waste and collection hauling contract ends; and

WHEREAS, an Invitation to Bid for solid waste and recycling collection equipment was advertised on August 31, 2005 to allow comparison of purchasing and renting equipment; and

WHEREAS, in response two firms submitted bids offering the requested equipment; and

WHEREAS, it was determined that Fauquier County benefits financially in the long run by purchasing solid waste equipment directly from an equipment distributor rather than continuing to rent the equipment; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors on this 13<sup>th</sup> day of October 2005, That the County Administrator be, and is hereby, authorized to execute a contract with Mid-Atlantic Waste Systems to Purchase the needed collection equipment at the quoted bid amount for an amount not to exceed \$700,000.

**A RESOLUTION TO APPROVE AN INCREASE OF \$10,000 IN THE PAYMENT PER DEVELOPMENT RIGHT IN THE PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM**

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was 4 to 1 as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. William G. Downey</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE AN INCREASE OF \$10,000 IN THE PAYMENT PER DEVELOPMENT RIGHT IN THE PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted the Purchase of Development Rights (PDR) Program to acquire conservation easements for the purpose of protecting agriculture, providing open space, ameliorating the impact of development on the County, and authorizing payment of \$20,000 per development right; and

WHEREAS, the United States Department of Agriculture's (USDA) "Land Values and Cash Rents 2005 Summary" shows an average increase of over 20% in the past year in the value of Virginia farmland; and

WHEREAS, preliminary information indicates that the assessed value of real estate in Fauquier County has increased dramatically since 2001; and

WHEREAS, the PDR Committee recommends an increase in the price paid per development right in the PDR Program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of October 2005, That the Board of Supervisors does hereby approve an increase of \$10,000 in the payment per development right in the Purchase of Development Rights (PDR) Program, and that such increase shall apply to previously approved (but not settled) easements and all new applications.

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN LORD FAIRFAX COMMUNITY COLLEGE AND COUNTY OF CLARKE, COUNTY OF FAUQUIER, COUNTY OF FREDERICK, COUNTY OF PAGE, COUNTY OF RAPPAHANNOCK, COUNTY OF SHENANDOAH, COUNTY OF WARREN, AND CITY OF WINCHESTER**

Mr. Graham moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

RESOLUTION

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN LORD FAIRFAX COMMUNITY COLLEGE AND COUNTY OF CLARKE, COUNTY OF FAUQUIER, COUNTY OF FREDERICK, COUNTY OF PAGE, COUNTY OF RAPPAHANNOCK, COUNTY OF SHENANDOAH, COUNTY OF WARREN, AND CITY OF WINCHESTER**

WHEREAS, the Commonwealth of Virginia agrees to build and equip buildings necessary to support the mission and vision of Lord Fairfax Community College according to Section 10.0.1.0.2 Funding, Construction, and Maintenance of Site Development of the Virginia Community College System Policy Manual; and

WHEREAS, the Funding, Construction, and Maintenance of Site Development of the Virginia Community College System Policy Manual provides that expenditures for site preparation beyond five feet from a building shall be made only from appropriated Trust and Agency funds, including local government allocations or appropriations; and

WHEREAS, the Lord Fairfax Community College System and the Counties of Fauquier, Clarke, Rappahannock, Frederick, Page, Shenandoah, Warren, and the City of Winchester wish to memorialize their understanding relating to the allocation of site development costs for future construction projects at the Middletown and Fauquier campuses of the Lord Fairfax Community College System; and

WHEREAS, Fauquier County retains the right to review and approve each individual Lord Fairfax Community College construction project that incurs site development costs; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 13<sup>th</sup> day of October 2005, That the County Administrator be, and is hereby, authorized to execute the Memorandum of Understanding Between the Lord Fairfax Community College and the County of Clarke, County of Fauquier, County of Frederick, County of Page, County of Rappahannock, County of Shenandoah, County of Warren, and City of Winchester, provided, however, that such Memorandum shall contain a provision retaining to the County of Fauquier the right to review and approve each individual Lord Fairfax Community College construction project that incurs site development costs.

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
LORD FAIRFAX COMMUNITY COLLEGE  
AND  
COUNTY OF CLARKE  
COUNTY OF FAUQUIER  
COUNTY OF FREDERICK  
COUNTY OF PAGE  
COUNTY OF RAPPAHANNOCK  
COUNTY OF SHENANDOAH  
COUNTY OF WARREN  
CITY OF WINCHESTER

WHEREAS, the Commonwealth of Virginia agrees to build and equip buildings necessary to support the mission and vision of Lord Fairfax Community College according to Section 10.0.1.0.2 Funding, Construction, and Maintenance of Site Development of the Virginia Community College System Policy Manual:

*Expenditures for site preparation beyond five feet from a building . . . shall be made only from appropriated Trust and Agency funds, including local government allocations or appropriations . . . Prior to the awarding of contract, or modifications to an existing contract . . . such non-general funds . . . must be on deposit either in the State Treasury or in local college accounts under the control of the local college board as authorized by the State Board for Community Colleges.*

NOW, THEREFORE, the Counties of Clarke, Fauquier, Frederick, Page, Rappahannock, Shenandoah and Warren and the City of Winchester agree to the terms of this MEMORANDUM OF UNDERSTANDING as follows:

1. Support funding requirements for site development of all future Lord Fairfax Community College state funded buildings on either of the Middletown or Fauquier Campuses.
2. The proportionate share for each jurisdiction will be based upon the jurisdiction's enrolled student headcount as a percentage of total College jurisdictional headcount.



3. The governing bodies of the jurisdictions listed above and representing the service region of Lord Fairfax Community College reserve unto themselves the right to review and formally act to approve each individual project that incurs site development costs.
4. This MEMORANDUM OF UNDERSTANDING shall be effective July 1, 2005, upon signature by all parties.

Authorized signatures:

_____	Date _____
David Ash, County Administrator	
County of Clarke	

_____	Date _____
Paul McCulla, County Administrator	
County of Fauquier	

_____	Date _____
John R. Riley, Jr., County Administrator	
County of Frederick	

_____	Date _____
Mark Belton, County Administrator	
County of Page	

_____	Date _____
John McCarthy, County Administrator	
County of Rappahannock	

_____	Date _____
Vincent Poling, County Administrator	
County of Shenandoah	

_____	Date _____
Douglas Stanley, County Administrator	
County of Warren	

_____	Date _____
Ed Daley, City Manager	
City of Winchester	

Date \_\_\_\_\_

John J. “Ski” Sygielski, President  
Lord Fairfax Community College

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION) REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE COUNTY OF FAUQUIER GENERAL OBLIGATION SCHOOL BONDS, REFUNDING SERIES 1994 A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY**

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

*Nays: None*

*Absent During Vote: None*

*Abstention: None*

RESOLUTION

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION) REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE COUNTY OF FAUQUIER GENERAL OBLIGATION SCHOOL BONDS, REFUNDING SERIES 1994 A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY

WHEREAS, the Virginia Public School Authority (the “Authority”) pursuant to (i) a bond resolution adopted on August 13, 1987, as amended and supplemented (the “1987 Resolution”) and (ii) a bond resolution adopted on October 23, 1997, as amended, restated and supplemented (the “1997 Resolution”) issued bonds (respectively, the “1987 Resolution Bonds” and the “1997 Resolution Bonds”) for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia;

WHEREAS, the Authority used a portion of the proceeds of certain 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the County of Fauquier, Virginia (the “County”) designated the Fauquier County School Bonds, Series of 1987, Series of 1988 and Series of 1990A and the County of Fauquier General Obligation School Bond, 1992 Series A (“Prior Local School Bonds”);

WHEREAS, the Authority has issued under the 1987 Resolution two series of 1987 Resolution Bonds designated as “School Financing Bonds (1987 Resolution) 1991 Refunding Series C (the

“Series 1991 C Bonds”) and “School Financing Bonds (1987 Resolution) 1993 Refunding Series B” (the “Series 1993 B Bonds”);

WHEREAS, the Authority refunded certain 1987 Resolution Bonds with a portion of the proceeds of its Series 1991 C Bonds and Series 1993 B Bonds and, in connection therewith, the County exchanged its Prior Local School Bonds with a duly authorized and issued general obligation school bond designated the County of Fauquier General Obligation School Bond, Refunding Series 1994 A (the “Local School Bonds”);

WHEREAS, the Authority refunded its Series 1991 C Bonds and Series 1993 B Bonds (“Refunded Bonds”) with a portion of the proceeds of its Virginia Public School Authority School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the “Refunding Bonds”) issued pursuant to the 1997 Resolution;

WHEREAS, the Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution;

WHEREAS, the Authority is required to assist the underwriters (the “Underwriters”) of the Refunding Bonds with their duty to comply with Securities and Exchange Commission (“SEC”) Rule 15c2-12 (the “Rule”);

WHEREAS, the Authority has requested the County to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule, and; WHEREAS, the Board of Supervisors of the County of Fauquier, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAUQUIER, VIRGINIA:

1. Continuing Disclosure Agreement.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Continuing Disclosure Agreement in the form attached as Appendix A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

2. Use of Proceeds Certificate.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Use of Proceeds Certificate in the form attached as Appendix B hereto, containing such covenants as may be necessary in order for compliance with any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

3. Further Actions.

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the execution and delivery of the Continuing

Disclosure Agreement and the Use of Proceeds Certificate and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed.

4. Effective Date.

This resolution shall take effect immediately.

\* \* \* \*

The undersigned Clerk of the Board of Supervisors of the County of Fauquier, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on October 13, 2005 and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was duly held and complied with all requirements of law.

A Copy, teste:

---

Paul S. McCulla, Clerk  
Board of Supervisors  
Fauquier County, Virginia

**A RESOLUTION AUTHORIZING A LOAN OF UP TO \$20,000 TO THE FAUQUIER COUNTY WATER & SANITATION AUTHORITY FOR REPAIRS TO THE MARSHALL WATER WORKS SYSTEM**

Mr. Atherton moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

***Ayes:*** ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays:*** ***None***  
***Absent During Vote:*** ***None***  
***Abstention:*** ***None***

RESOLUTION

A RESOLUTION AUTHORIZING A LOAN OF UP TO \$20,000 TO THE  
FAUQUIER COUNTY WATER & SANITATION AUTHORITY FOR  
REPAIRS TO THE MARSHALL WATER WORKS SYSTEM

WHEREAS, in fulfillment of its obligation to operate the Marshall Water Works System, the Fauquier County Water & Sanitation Authority has determined that the system is in need of repairs; and

WHEREAS, the Fauquier County Water & Sanitation Authority has expressed its concern that the failure to make said repairs may result in a failure of all or part of the water works system; and

WHEREAS, the Fauquier County Water & Sanitation Authority has stated that it is unable to obtain authorization from Marshall Water Works II, Inc. to complete the necessary repairs; and

WHEREAS, the Fauquier County Water & Sanitation Authority has requested that the Fauquier County Board of Supervisors consider a loan of up to \$20,000 to the Fauquier County Water & Sanitation Authority to make necessary repairs to the Marshall Water Works System if the Fauquier County Water & Sanitation Authority is unable to obtain authorization from Marshall Water Works II, Inc. to make said repairs; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of October 2005, That a loan of up to \$20,000 to the Fauquier County Water & Sanitation Authority be, and is hereby, authorized subject to the following terms and conditions:

- 1) That such monies shall be spent only for necessary emergency repairs to the Marshall Water Works System to prevent the full or partial failure of the provision of water to the residents of the Marshall Service District.
- 2) That such monies shall only be expended if the Fauquier County Water & Sanitation Authority is unable to obtain timely authorization from Marshall Water Works II, Inc. to make the repairs.
- 3) That such funding shall be re-paid to the County upon the successful completion of the acquisition of the Marshall Water Works System by the Fauquier County Water & Sanitation Authority

; and, be it

RESOLVED FURTHER, That \$20,000 shall be, and is hereby, appropriated from the Utility Fund Contingency Reserve (4-310-099999-9999).

**A RESOLUTION AUTHORIZING THE COUNTY OF FAUQUIER TO ACT AS FISCAL AGENT FOR A GRANT TO THE JOURNEY THROUGH HALLOWED GROUND PROJECT**

Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION AUTHORIZING THE COUNTY OF FAUQUIER TO ACT AS FISCAL AGENT FOR A GRANT TO THE JOURNEY THROUGH HALLOWED GROUND PROJECT

WHEREAS, The Journey Through Hallowed Ground is a broadbased collaborative effort to enhance the 175 mile corridor from Gettysburg, Pennsylvania to Monticello, Virginia; and

WHEREAS, in accordance with the grant received by The Journey Through Hallowed Ground Foundation, it is necessary that by resolution a local government agree to act as fiscal agent for the grant; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of October 2005, That the Board of Supervisors does hereby authorize the County of Fauquier to act as Fiscal Agent for a grant to The Journey Through Hallowed Ground Project; and, be it

RESOLVED FURTHER, That The Journey Through Hallowed Ground Foundation does hereby agree to pay the twenty percent (20%) local match of the total cost for this project, and that, if The Journey Through Hallowed Ground Foundation subsequently elects to cancel this project, The Journey Through Hallowed Ground Foundation does hereby agree to reimburse the grant agency for the total amount of the costs expended by the agency through the date the agency is notified of such cancellation.

### **A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT TO BOUNDARY ADJUST SEVEN ACRES OF LAND OWNED BY N.F. ADAMS & SONS, LLC, INTO THE CORPORATE LIMITS OF THE TOWN OF THE PLAINS**

Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT TO BOUNDARY ADJUST SEVEN ACRES OF LAND OWNED BY N.F. ADAMS & SONS, LLC, INTO THE CORPORATE LIMITS OF THE TOWN OF THE PLAINS

WHEREAS, N. F. Adams & Sons, LLC, is the owner of a tract of land containing 272.38 acres, more or less, said parcel being more particularly described as PIN 6989-65-0953-000, as

shown on the Plat Showing Area of Annexation of N. F. Adams & Sons, LLC, Deed Book 859, Page 554, Scott Magisterial District, by Eric K. Niskanen, L.S., dated January 15, 2004; and

WHEREAS, a 7.0000 acre portion of said property is located outside the boundary of the Town of The Plains, as shown on the aforesaid plat; and

WHEREAS, on March 21, 2005, the Town of The Plains adopted a resolution concluding that the said 7.0000 acre portion should be boundary adjusted into the corporate limits of the Town; and

WHEREAS, the Board of Supervisors, by the adoption of this resolution, has determined it to be in the best interest of the citizens of this County to adjust the 7.0000 acre parcel into the corporate limits of the Town of The Plains; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of October 2005, That the County Administrator be, and is hereby, authorized to execute an agreement to boundary adjust approximately seven acres of land owned by N.F. Adams & Sons, LLC, into the corporate limits of the Town of The Plains.

#### **A RESOLUTION TO AMEND THE DEBT REFERENDUM POLICY FOR FAUQUIER COUNTY**

Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was 4 to 1 as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>Mr. Richard W. Robison</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

#### **RESOLUTION**

#### **A RESOLUTION TO AMEND THE DEBT REFERENDUM POLICY FOR FAUQUIER COUNTY**

WHEREAS, the Board of Supervisors, through its Capital Improvements Plan process, has recognized the need for and wishes to encourage enhanced public participation in the decision making process relating to major new construction projects due to potential effects of these projects on the County's credit rating, debt availability, tax rates and annual operating budget; and

WHEREAS, on November 17, 2003, the Board of Supervisors adopted a Debt Referendum Policy; and

WHEREAS, the Board of Supervisors has determined that it is desirable and necessary to amend the Debt Referendum Policy relating to major new facility construction projects and

establish referendum requirement thresholds and other policies relating thereto; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of October 2005, That the Fauquier County Board of Supervisors does hereby adopt the following amended Debt Referendum Policy:

1. All new facility construction projects or acquisitions that exceed \$25,000,000 shall be subject to voter referendum regardless of financing mechanism.
2. Cash expenditures are authorized for reasonable related expenses in preparation for a referendum. These expenditures may include preliminary architectural and engineering design work needed to provide the County citizens adequate details on the referendum issue. Funding will be in accordance with current Finance Committee policies.
3. This amended policy shall take affect on October 14, 2005.
4. The Board of Supervisors, by a majority vote of the Board of Supervisors at a regularly scheduled meeting, may waive the referendum requirement, to the extent allowed by law, to meet a critical health and/or public safety need or in conjunction with a court order.

#### **APPOINTMENTS**

None

#### **SUPERVISORS' TIME**

- Supervisor Robison encouraged citizens to attend the annual Differing Abilities Fair, to be held at Auburn Middle School on Saturday, October 22, 2005.
- Mr. Stribling announced that the Remington Fall Festival had been cancelled due to inclement weather; however, the annual Remington Duck Race was scheduled for Sunday, October 16, 2005, at 12:30 PM.
- Mr. Downey requested the Board of Supervisors consider delaying action on any amendments submitted for current agenda items until the next regular Board meeting, in order to allow Board members adequate time to thoroughly review the additional information or revisions that are submitted.
- Mr. Graham stated that the grand opening of Fauquier's Finest Meat Processing Facility on Ritchie Road is scheduled for Wednesday, October 19, 2005, at 11:00 AM. Mr. Graham recognized Liberty High School sophomore Christina Hansbrough, who won the Miss Virginia American Coed Junior Teen title for 2005. Mr. Graham encouraged citizens to attend the American Red Cross "Concert 4 Katrina" fundraiser, to be held at the Fauquier Fairgrounds on Sunday, October 23, 2005 beginning 1:00 PM.



## **ANNOUNCEMENTS**

- Mr. McCulla announced that a joint work session with School Board members, previously scheduled for October 19, 2005, was postponed until the next regularly scheduled Board of Supervisors meeting on November 10, 2005.
- Mr. McCulla announced that members of the Board will attend a Virginia Delegation Legislative Reception at Legend's Restaurant located in Warrenton, Virginia, on Thursday, October 20, 2005 at 2:00 PM.

## **AMENDMENTS TO THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$1,419,344 AND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$825,544**

A public hearing was held to consider various budget related issues in the amount of \$1,419,344 in appropriations for FY 2005 and \$876,685 in appropriations, \$41,855 in transfers and \$92,966 in de-appropriation for FY 2006 have been identified for consideration. Bryan Tippie, Budget Director, summarized the proposed budget amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## **RESOLUTION**

### **A RESOLUTION TO AMEND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$1,419,344 AND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$825,544**

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 29, 2004, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2005 Budget and on March 31, 2005, adopted the Fauquier County FY 2006 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee at its September meeting has recommended FY 2005 budget adjustments of \$1,419,344 and FY 2006 budget adjustments of \$825,544 for the purposes set forth below; and

WHEREAS, on October 13, 2005, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of October 2005, That the FY 2005 Budget be, and is hereby, amended in the amount of \$1,419,344 and that the FY 2006 Budget be, and is hereby, amended in the amount of \$825,544 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
<u>FY 2005</u>					
Capital Fund	4-302-066610-8712	\$1,419,344	School Division	4-205-066500-3160-307-900	\$224
				4-205-066500-3840-307-900	\$102
				4-205-066500-5410-307-900	\$262
				4-205-066500-6001-307-900	\$24,124
				4-205-066500-6004-307-900	\$4,660
				4-205-066500-6005-307-900	\$13,701
				4-205-066500-6011-307-900	\$19,900
				4-205-066500-6012-907-900	\$119,935
				4-205-066500-6013-307-900	\$142,749
				4-205-066500-6014-307-900	\$503
				4-205-066500-6025-307-900	\$6,300
				4-205-066500-6047-307-900	\$595,183
				4-205-066500-6050-307-900	\$491,701
 <u>FY 2006</u>					
State Grant	3-100-244100-0030	\$6,000	Adult Court Services	4-100-021700-6050	\$3,000
				4-100-021700-3500	\$1,000
				4-100-021700-6004	\$1,000
				4-100-021700-6001	\$1,000
	3-100-244010-0035	\$4,355		4-100-021710-5540	\$2,500
				4-100-021710-6050	\$1,355
				4-100-021710-6004	\$500
Miscellaneous Revenue	3-100-189900-0050	\$4,000	Agriculture Development	4-100-081800-3600	\$4,000
State Grant	3-504-244740-0020	\$6,550	Warrenton-Fauquier	4-504-081722-3160	\$1,358
Donation	3-504-189900-0050	\$3,275	Airport	4-504-081722-3500	\$375
				4-504-081722-3600	\$900
				4-504-081722-5308	\$900
				4-504-081722-5410	\$2,145
				4-504-081722-6001	\$400
				4-504-081722-6002	\$600
				4-504-081722-6007	\$529
				4-504-081722-6008	\$2,393
				4-504-081722-6011	\$225

E-911 Tax Revenue	3-220-129000-0002	\$8,000	Joint Communication	4-220-031410-8205	\$8,000
FY 2005 Carry Over F&RA	3-270-419000-0010	\$157,859	F&RA	4-270-032320-5699	\$157,859
FY 2005 Carry Over	3-100-419000-0010	\$1,025	Parks & Rec	4-100-071140-3160	\$1,025
FY 2005 Carry Over	3-100-419000-0010	\$122,481	Parks & Rec	4-100-043415-3140 4-100-043415-3160	\$15,000 \$107,481
FY 2005 Carry Over	3-100-419000-0010	\$28,350	Clerk of Circuit Court	4-100-021600-3160	\$28,350
FY 2005 Carry Over	3-100-419000-0010	\$139,395	Community Development	4-100-081200-3160	\$139,395
FY 2005 Carry Over	3-100-419000-0010	\$35,000	Community Development	4-100-081400-3160	\$35,000
Fund Balance	3-100-419000-0010	\$344,591	General Services	4-302-094202-8210 4-302-094203-8210 4-302-012120-8302	\$43,991 \$255,600 \$45,000
Federal Grant	3-205-332000-0002	\$15,804	School Division	4-205-061310-821-200- 100	\$15,804
Contingency Reserve (Transfer)	4-100-091400-9999	\$33,855	Human Resources	4-100-012600-1101 4-100-012600-2100	\$31,990 \$2,447
Human Resources (Internal Transfer)	4-100-012600-3160	\$8,000		4-100-012600-2210 4-100-012600-2310 4-100-012600-2400	\$3,519 \$3,535 \$364
De-Appropriation	3-207-065100-6002- 900-000	(\$92,996)	School Division	4-207-0164200-0010	(\$92,996)
<b>TOTAL</b>		<b>\$2,244,888</b>			<b>\$2,244,888</b>

**CONSIDER GRANTING AN EASEMENT TO AMERIGAS PROPANE, L.P. TO  
PROVIDE SERVICE TO T-HANGAR 3 AT THE WARRENTON-FAUQUIER AIRPORT**

A public hearing was held to consider a resolution to grant Amerigas Propane, L.P. an easement at the Warrenton-Fauquier Airport to provide service to the third T-Hangar. Paul McCulla, County Administrator, summarized the proposed application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

**Nays:** *None*

**Absent During Vote:** *None*

**Abstention:** *None*

## RESOLUTION

### A RESOLUTION TO CONSIDER GRANTING AN EASEMENT TO AMERIGAS PROPANE, L.P. TO PROVIDE SERVICE TO T-HANGAR 3 AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, as a part of the construction of the third T-hangar at the Warrenton-Fauquier Airport, it is necessary to provide an easement to Amerigas Propane, L.P. in order to facilitate service to the hangar; and

WHEREAS, on October 13, 2005, the Board of Supervisors held a public hearing to receive citizen's comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of October 2005, That the County Administrator, or his designee, be, and is hereby, authorized to execute a Right of Way Easement Agreement with Amerigas Propane, L.P. for utility installation in conjunction with the construction of the third T-Hangar at the Warrenton-Fauquier Airport.

### **PROPOSED TEXT AMENDMENT TO THE FAUQUIER COUNTY CODE**

A public hearing was held to consider a text amendment to Chapter 11 of the Fauquier County Code, resulting in the transfer of Article I (Erosion and Sediment Control), and Article II (Stormwater Management) to the Design Standards Manual, which is added and becomes Appendix E. Frederick P.D. Carr, Director of Community Development, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following Ordinance. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## ORDINANCE

### AN ORDINANCE ADOPTING A FAUQUIER COUNTY CODE TEXT AMENDMENT TO CHAPTER 11 RESULTING IN THE TRANSFER OF EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT PROVISIONS TO APPENDIX E – DESIGN STANDARDS MANUAL

WHEREAS, on October 13, 2005, the Board of Supervisors adopted by Ordinance an amendment to the Fauquier County Code that added an Appendix E – Design Standards Manual, along with Chapter 1 - General Provisions, Chapter 2 – Drainage, and Chapter 8 – Performance Guarantee; and

WHEREAS, on October 13, 2005, the Fauquier County Board of Supervisors held a public hearing on the proposed amendment to Chapter 11 of the Fauquier Code; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Fauquier County Code, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of October 2005, That the Fauquier County Code be, and is hereby, amended to delete the following provisions in Chapter 11 with the referenced notations:

Chapter 11 GRADING, SOIL EROSION AND SEDIMENTATION CONTROL\*

~~\*Editor's note: Ord. No. 99-6, adopted Dec. 6, 1999, amended Ch. 11 to read as herein set out. Prior to inclusion of said ordinance, Ch. 11 pertained to similar subject matter and derived from Ord. No. 93-5, adopted Nov. 2, 1993.~~

~~Cross references: Building code, Ch. 5; sewers and sewage disposal, Ch. 17; water, Ch. 19; site development plan, App. B; subdivision of land, App. C; zoning App. D.~~

\*Editor's note: Erosion and sediment control and stormwater management provisions are contained in the County's Design Standards Manual, as adopted on October 13, 2005 and as amended and referenced as Appendix E. However, it is not presently included in the Code. A copy of said Manual may be obtained from the County's Department of Community Development.

## **Article I. In General**

~~§ 11-1. Purpose of chapter.~~

~~§ 11-2. Definitions.~~

~~§ 11-3. Local program generally.~~

~~§ 11-4. Regulation of land disturbing activities.~~

~~§ 11-5. Action on erosion and sediment control plan.~~

~~§ 11-6. Applications for land disturbing permit; fees.~~

~~§ 11-7. Approved plan required for issuance of permits; certification; bonding of performance.~~

~~§ 11-8. Monitoring, reports, and inspections.~~

~~§ 11-9. Administrative appeal; judicial review.~~

~~§ 11-10. Penalties, injunctions and other legal actions.~~

~~§§ 11-11 - 11-30. Reserved.~~

## **Article II. Stormwater Management**

~~§ 11-31. Introduction.~~

~~§ 11-32. General provisions.~~

~~§ 11-33. Definitions.~~

~~§ 11-34. Stormwater management program permit procedures and requirements.~~

~~§ 11-35. General criteria for stormwater management~~

~~§ 11-36. Construction inspection~~

~~§ 11-37. Maintenance inspection and repair of stormwater facilities.~~

~~§ 11-38. Enforcement and penalties.~~

**COMPREHENSIVE PLAN AMENDMENT #CPAM06-CR-001 – SEELEY BROOKFIELD, LLC, OWNER, AND SHENANDOAH DEVELOPMENT, LLC, APPLICANT**

A public hearing was held to consider an application for a Comprehensive Plan Amendment in order to include a portion of PIN #6981-27-6354-000 in the Opal Service District with a land use designation of Low Density Residential – one (1) to three (3) units per acre. The property is located north of Clarke's Road (Route 608), south of Route 29/15/17 and southeast of Avenel Drive, Cedar Run District. Frederick P.D. Carr, Director of Community Development, summarized the application. John Foote, Esquire, representing the applicant, requested favorable consideration of the amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

***Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays: None***  
***Absent During Vote: None***  
***Abstention: None***

**RESOLUTION**

**A RESOLUTION TO APPROVE THE GREEN SPRINGS COMPREHENSIVE PLAN AMENDMENT CPAM06-CR-001 TO INCLUDE A PORTION OF PIN 6981-27-6354 IN THE OPAL SERVICE DISTRICT WITH A LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL ONE (1) TO THREE (3) UNITS PER ACRE**

WHEREAS, the Fauquier County Board of Supervisors initiated a Comprehensive Plan Amendment, CPAM06-CR-001, to include a portion of PIN 6981-27-6354 in the Opal Service District with a land use designation of Low Density Residential – one (1) to three (3) units per acre; and

WHEREAS, the requested Comprehensive Plan Amendment would allow for the companion rezoning, REZN05-CR-004, to rezone approximately 165.0 acres of land from Residential (R-1) conditional to Residential R-1 and R-2, with proffers to allow for a residential development which included fifteen (15) affordable (workforce housing) units; and

WHEREAS, on September 29, 2005, the Planning Commission held a public hearing on the application and voted to recommend approval of the Comprehensive Plan Amendment to the Board of Supervisors; and

WHEREAS, on October 13, 2005, the Fauquier County Board of Supervisors conducted a public hearing and considered the written and oral testimony; and

WHEREAS, the Fauquier County Board of Supervisors concurred with the judgment of the Planning Commission and finds that the Comprehensive Plan Amendment is warranted for this request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of October 2005, That Comprehensive Plan Amendment CPAM06-CR-001, Seeley Brookfield, LLC, owner, and Shenandoah Development, LLC, applicant, be, and is hereby, approved.

**REZONING #REZN05-CR-004 - SEELEY BROOKFIELD, LLC AND MICHAEL AND MARY ANN KREHBIEL, OWNERS, AND SHENANDOAH DEVELOPMENT, LLC, APPLICANT – GREEN SPRINGS**

A public hearing was held to consider an application to rezone approximately 165.6 acres from Residential-1 (R-1) to Residential-1 (R-1) and Residential-2 (R-2) to allow for a residential subdivision. The property is located on the east side of Routes 29/15/17, and southeast of Avenel Drive, Cedar Run District. (PIN #6981-27-6354-000, 6981-44-4079-000 and 6981-54-4190-000). Frederick P.D. Carr, Director of Community Development, summarized the application. John Foote, Esquire, representing the applicant, requested favorable consideration of the amendment. Kitty Smith, Marshall District, spoke in opposition to the application. Steve Miller, Cedar Run District, requested clarification on the final proposal. Joe Wiltse, applicant, requested favorable consideration of the application. Inez Huber, Lee District, urged the Board to closely follow the Comprehensive Plan. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following Ordinance. Mr. Graham seconded and, following discussion, the vote for the motion was 4 to 1 as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. Richard W. Robison</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE REZONING REQUEST REZN05-CR-004,  
GREEN SPRINGS

WHEREAS, Seeley Brookfield, LLC, owner, and Shenandoah Development, LLC, applicant, have initiated an application to amend the Fauquier County Zoning Map in accordance with the provisions of Zoning Ordinance Sections 13-202 to rezone ±31.4 acres of land from Residential (R-1) Conditional to Residential (R-2) and to rezone ±132.4 acres of Residential (R-1) Conditional to Residential (R-1) for a residential subdivision; and

WHEREAS, the parcels known as PINS 6981-27-6354-000, 6981-44-4079-000 and 6981-54-4190-000 comprise this request; and

WHEREAS, on May 26, 2005, the Fauquier County Planning Commission held a public hearing on the Rezoning request and recommended that the application in its current form be denied; and

WHEREAS, on June 9, 2005, July 14, 2005, September 8, 2005, and October 13, 2005, the Fauquier County Board of Supervisors held public hearings on this Rezoning request and considered both oral and written testimony; and

WHEREAS, by the adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of October 2005, That Rezoning request REZN05-CR-004, Green Springs, to change the Zoning Map designation of 31.4 acres of land from R-1 Conditional to R-2, and ±132.4 acres from R-1 Conditional to R-1, be and is hereby, approved subject to the Green Springs Concept Development Plan & Rezoning Plat prepared by Professional Land Consultants, LLC, received on October 13, 2005, and the Proffer Statement dated October 10, 2005.

**SPECIAL EXCEPTION #SPEX05-CR-033 – WHITMAN’S HOLDING, LLC, OWNER, AND JACKIE L. GEORGE, APPLICANT – WHITMAN’S AIR STRIP**

A public hearing was held to consider an application to obtain Special Exception approval under Category 21, which would allow for continued operation of a privately owned, public use airport on a permanent basis. The property is located at 2102 Sowego Road (Route 611), Cedar Run District (PIN #7940-34-8856-000). Melissa Dargis, Assistant Chief of Planning for Community Development, summarized the application. Kevin Magee, Cedar Run District, spoke in opposition to the application. Jackie Lee George, applicant, requested favorable consideration of the application. Larry Walker, Center District, a member of the United States Ultralite Association, spoke in favor of the application. No one else spoke. Mr. Graham moved to postpone a decision on the matter and continue the public hearing until the next regular meeting on November 10, 2005. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**REZONING #REZN05-SC-013 – MCC/LCC, OWNER AND APPLICANT – JAMMIN JOE’S BBQ, LLC**

A public hearing was held to consider an application to amend the existing Proffer Statement to allow for a use not currently permitted by the existing proffers. The property is located at 5282 Lee Highway (Route 15/29/211), Scott District (PIN #7906-32-1665-000 and 7906-32-3745-000). Frederick P.D. Carr, Director of Community Development, summarized the application, and recommended postponement of action at the request of the applicant. No one else spoke. Mr. Downey moved to postpone a decision on the matter and continue the



public hearing until the next regular meeting on November 10, 2005. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**REZONING #REZN05-MA-017 – VALLEY DRILLING CORPORATION OF VIRGINIA, OWNER AND APPLICANT – VALLEY DRILLING**

A public hearing was held to consider an application to rezone approximately 2.3 acres from Village (V) and Commercial-Village (CV) to Industrial Park (I-1) in order to allow for demolition of the existing structure on the property and construction of a new shop. The property is located 9172 John S. Mosby Highway (Route 50) in Upperville, Marshall District (PIN #6054-76-4012-000 and 6054-76-2048-000). Melissa Dargis, Assistant Chief of Planning for Community Development, summarized the application. Jordan Bentley, representing the applicant, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**ORDINANCE**

**AN ORDINANCE TO APPROVE REZONING REQUEST REZN05-MA-017,  
VALLEY DRILLING CORPORATION OF VIRGINIA**

WHEREAS, Valley Drilling Corporation of Virginia, owner and applicant, has initiated an application to amend the Fauquier County Zoning Map in accordance with the provisions of Zoning Ordinance Sections 13-202 to rezone ±2.3 acres of land from Village (V) and Commercial-Village (CV); and

WHEREAS, the parcels known as PINS 6054-76-2048-000 and 6054-76-4012-000 comprise this request; and

WHEREAS, on July 28, 2005 and August 25, 2005, the Fauquier County Planning Commission held a public hearing on the Rezoning request and recommended that the application in its current form be approved; and

WHEREAS, on October 13, 2005, the Fauquier County Board of Supervisors held a public hearing on this Rezoning request and considered both oral and written testimony; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of October 2005, That the Rezoning request REZN05-MA-017, Valley Drilling Corporation of Virginia, to change the Zoning Map designation of 2.3 acres of land from Village and Commercial-Village to Light Industrial (I-1) be, and is hereby, approved subject to the Rezoning Plat titled "Valley Drilling Corporation of Virginia," received in the Planning Office on September 27, 2005, and the Proffer Statement dated October 12, 2005.

**SPECIAL EXCEPTION AND COMPREHENSIVE COMPLIANCE REVIEW #SPEX06-CR-001 AND #CCRV06-CR-002 – VIRGINIA ELECTRIC & POWER COMPANY, OWNER AND VIRGINIA ELECTRIC & POWER COMPANY D.B.A. DOMINION VIRGINIA POWER, APPLICANT – BRISTERS STATION**

A public hearing was held to consider an application to obtain Special Exception approval under Category 20 to allow for the construction of a new 500 kV Switching Station and an area for future substation equipment. In addition, the applicant is seeking a Comprehensive Plan Conformance Determination as to whether the location of the proposed Switching Station is in accord with the Code of Virginia, Section 15.2-2232. The property is located on the southwest side of Cromwell Road (Route 639) southwest of its intersection with Bristersburg Road (Route 616), Cedar Run District (PIN #7848-19-6462-000 and 7848-29-2318-000). Melissa Dargis, Assistant Chief of Planning for Community Development, summarized the application. Liz Harper, representing the applicant, requested favorable consideration of the application. Mr. Graham noted for the record that he had received a petition containing approximately 130 signatures of citizens opposed to the application. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was 4 to 1 as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>Mr. Richard W. Robison</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO APPROVE A COMPREHENSIVE PLAN CONFORMANCE DETERMINATION IN ACCORDANCE WITH THE CODE OF VIRGINIA, SECTION 15.2-2232, AND A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW FOR THE CONSTRUCTION OF A NEW 500 KV SWITCHING STATION AND FUTURE SUBSTATION EQUIPMENT**

WHEREAS, Virginia Electric & Power Company d.b.a. Dominion Virginia Power, applicant and Virginia Electric & Power Company, owner, is seeking Special Exception approval

for construction of a new 500 kV switching station and an area to accommodate future substation equipment (Bristers Station) on PINs 7848-19-6462-000 and 7848-29-2318-000; and

WHEREAS, the Code of Virginia, Section 15.2-2232, requires determination by the Board of Supervisors that this proposal is in substantial accord with the Comprehensive Plan; and

WHEREAS, on August 25, 2005, and September 29, 2005, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception; and

WHEREAS, on September 29, 2005, the Fauquier County Planning Commission recommended denial of the application; and

WHEREAS, on October 13, 2005, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors did not concur with the Planning Commission and it has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2000 and that the proposed public utility is in conformance with the Fauquier County Comprehensive Plan in accord with the Code of Virginia, Section 15.2-2232; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of October 2005, That SPEX06-CR-001 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated, and shall be in general conformance with, the Special Exception Plat titled "Special Exception Permit, Bristers Station Site, Cedar Run Magisterial District, Fauquier County, Virginia" dated July 13, 2005, approved with the application, as qualified by these development conditions.
4. Prior to land disturbance for any new construction or alterations of any type, a Site Plan consistent with the approved Special Exception, provisions of Article 12 of the Fauquier County Zoning Ordinance and the bulk regulations for the underlying RA zoning district must be approved prior to obtaining building and zoning permits.
5. The applicant shall maintain the Glare Standards of Section 9-900 of the Fauquier County Zoning Ordinance.

6. The applicant shall maintain the standards for Outdoor Light Control of Section 9-1000 of the Fauquier County Zoning Ordinance.
7. The applicant shall maintain the applicable County performance standards for Noise and meet the requirements contained in Section 9-705 of the Zoning Ordinance.
8. Any use or activity not specified in this Special Exception shall require new permit or Special Exception approval.
9. The site entrance shall be approved by the Virginia Department of Transportation (VDOT) in accordance with the commercial entrance standard in the Minimum Standard of Entrances to State Highways.
10. The applicant is responsible for any utility relocation costs associated with construction and appropriate authorization is required for any work within rights-of-way or easements.
11. All required state and federal permits are to be filed with the first submission of the Site Plan. This includes the U.S. Army Corps of Engineers wetlands permit for disturbance of wetlands. (Fauquier County SWMO Section 4.1.5)
12. No stormwater runoff generated from new development shall be discharged into jurisdictional wetlands without adequate treatment. An oil containment unit will be necessary so oil or other liquids that may leak from the transformers will not be discharged into the surrounding areas. (Fauquier County SWMO Section 4.2E)
13. The project shall meet all applicable requirements of the Fauquier County Stormwater Management Ordinance. (Fauquier County SWMO Section 1.3)
14. The project shall comply with the Virginia Statewide Fire Prevention Code "SFPC" (2000 International Fire Code "IFC" as amended by Virginia and adopted by Fauquier County.)
15. The total area of the site developed for the switching facility shall be limited to the 6.37 acre fenced area depicted on the Special Exception Plat as well as approximately 11.72 acres of site clearing. Unless the Board of Supervisors approves an amendment to this Special Exception, the remaining parcel acreage shall be deed restricted from further development with limited exceptions through a recorded easement. Those exceptions are limited to the following uses:
  - a) Installation of utility poles, transformer, lines and facilities related to the transmission and distribution of electricity;
  - b) Natural gas lines, reduction station equipment and facilities related to the distribution of natural gas;
  - c) Installation of well for potable use, septic tank, drainfield and required reserve, and effluent lines for the facility;

- d) Agricultural, forestry, wildlife habitat areas and observation points or open space uses, including low impact public recreational facilities for environmental observation, study and activities (excluding athletic fields, which are to be located at other designated County park areas); and
  - e) Use resulting from state or federal regulations that requires operational and equipment improvements outside of the existing project footprint, which is approved by amendment to the Special Exception by the Board of Supervisors.
- 16. The referenced easement will include the conditions mentioned above, and shall be reviewed and approved by the County Attorney.
  - 17. The applicant shall obtain and, as necessary, maintain all applicable federal, state and local permits. In addition, the Department of Community Development, on behalf of the Fauquier County Board of Supervisors, reserves the right to inspect the site at any reasonable time without prior notice to insure that the operation of the facility meets the conditions of this Special Exception.
  - 18. If the facility is permanently decommissioned, and operations have ceased for a two-year period, then the applicant is required to remove all facility equipment and infrastructure represented in the approved site plan. In addition, all mandatory federal and state environmental clean up requirements must be met, and the site returned to its natural state within three years after the referenced two-year termination of operations.
  - 19. The Special Exception is granted for and runs with the land indicated in this application and is not transferable, except as defined in Condition 16 above. Conditions of the permit shall be applicable to all successors and assigns of the applicant. In the event that the Applicant challenges any condition of this Special Exception, the Board of Supervisors evidences its intent that these conditions are not severable.
  - 20. Prior to Site Plan approval, the applicant must submit an Emergency Response Plan for Fauquier County Office of Emergency Services' approval. That plan includes an updated emergency contact list and protocol, and must be approved prior to the issuance of any building permit for the facility.
  - 21. This Special Exception shall approve the Bristers Switching Station which includes: three (3) 500kV breakers, three (3) 500kV backbone structures, a control enclosure, aluminum bus, steel support structures and other ancillary equipment as required. It shall also include approval for two (2) future 500 kV lines, three (3) future 230 kV lines, and one bank of 500-230 kV transformers consisting of four (4) single phase units.
  - 22. A landscape/buffering plan shall be prepared and submitted with the Site Plan for the facility, pursuant to Zoning Ordinance requirements for approval by the Department of Community Development. This will include a vegetated buffer to screen the use from visibility of adjacent property owners and the roadway. Planting shall be avoided directly underneath the conductors as it would create risks to the integrity and reliability of the electric service. In addition, the applicant shall identify tree stands that are to be preserved and the method of protection before and after construction.

23. **Maintenance of Dead and Dying Trees and Replacements:** The applicant shall replace any trees planted that die; tree replacement shall occur in perpetuity. If any trees shown on the approved site plan to be preserved or planted as part of the perimeter buffer become diseased or are dying, then the applicant may remove those trees. If the removed trees are part of the screening buffer as shown on the approved landscape/buffer plan, then the applicant shall replace with such number of trees as are necessary to satisfy the screening intent of the approved landscape/buffer plan. The replacement trees shall be planted as nearly as possible to the location of the removed trees. The replacement trees must be the equivalent to that shown on the approved plan.

**Protection:** The applicant shall be responsible for and employ reasonable efforts for the protection of the tops, trunks and roots of all existing trees, as well as other vegetation on the site. Protection devices shall be installed along the limits of clearing and grading, prior to any construction occurring onsite. Such protection shall be maintained until all work in the vicinity has been completed, and shall not be removed without the consent of the County Engineer.

**A RESOLUTION OF ENDORSEMENT TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD TO ESTABLISH A PROJECT FOR PHASE I OF THE ROUTE 15 INITIATIVE OF THE JOURNEY THROUGH HALLOWED GROUND**

A public hearing was held to consider support of an initiative by The Journey Through Hallowed Ground Foundation for a Virginia Department of Transportation Enhancement Project related to a 175 mile corridor of Route 15 from Gettysburg, Pennsylvania, to Monticello, Virginia. Paul McCulla, County Administrator, summarized the application. Inez Huber, Lee District, commended the County for its support of the project. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION OF ENDORSEMENT TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD TO ESTABLISH A PROJECT FOR PHASE I OF THE ROUTE 15 INITIATIVE OF THE JOURNEY THROUGH HALLOWED GROUND**

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government in order that the Virginia Department of Transportation program an enhancement project in the Counties of Loudoun, Prince William, Fauquier, Culpeper and Orange; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of October 2005, That the Board of Supervisors does hereby request that the Commonwealth Transportation Board establish projects for Phase I of the Route 15 Initiative of The Journey Through Hallowed Ground, which will focus on research and planning to support appropriate wayfinding along Virginia's historic Route 15; and, be it

RESOLVED FURTHER, That The Journey Through Hallowed Ground Foundation does hereby agree to pay the twenty percent (20%) local match of the total cost for planning and design, right-of-way, and construction of this project, and that, if The Journey Through Hallowed Ground Foundation subsequently elects to cancel this project, The Journey Through Hallowed Ground Foundation does hereby agree to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

### **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCE – NOISE STANDARDS**

A public hearing was held to consider a Zoning Ordinance text amendment to Table 1 of Article 9 and Sections 9-701 through 9-705 to delete current noise standards and replace with new noise standards. W. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. Bill Blalock, proprietor of Blalock Cycle Company, distributed handout materials describing examples of various decibel level in common terms, and spoke in opposition to the proposed text amendment. Ron Harding urged the Board to take into consideration changes in technology when crafting a text amendment. Mike Bridges, Cedar Run District, opposed the text amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to deny the proposed Zoning Ordinance text amendment as presented. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

With no further business, the meeting was adjourned at 8:53 PM, to reconvene on October 20, 2005, at 2:00 PM.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on October 13, 2005.*

*Paul S. McCulla  
Clerk to the Board of Supervisors*